

ORDINANCE NO. 3295 _____
File No. 1461-125

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT FOR MINIWAREHOUSES, SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a Conditional Use Permit for Miniwarehouses, subject to the following stipulations:

1. The project shall be designed as a "fortress" so that the rear of the buildings, with no doors or windows, face outward. Buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area where wrought iron fencing may be utilized.
2. The leasing office/manager's apartment shall be 100% masonry with a "residential-style" design, including materials, doors, windows, roofing, etc., typically used in residential design.
3. The building exterior shall be 100% masonry and shall include brick, trim, columns, or other design features to add distinction and break up the long facades.
4. Maximum building height adjacent to a residential district shall be one-story, generally limited to a maximum of 11-feet.

5. The minimum setback adjoining any residential district line shall be 10-feet provided that the rear of the buildings may be utilized as the required screening wall. A buffer tree line shall be established within the 10-foot landscape strip in accordance with Section 1A-301 of the Mesquite Zoning Ordinance.
6. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
7. No roof-mounted equipment shall be allowed.
8. No parking/storage of recreational vehicles or boats shall be allowed.
9. Signage shall be limited to wall and monument signs, i.e., no pole signs shall be permitted.
10. Lighting shall be installed with no fixtures extending above the roof lines and/or shining toward the residential district.
11. All other provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.
12. Landscaping similar to landscaping behind Building P (irrigation and photinias) shall be required behind Building N and Building O, if the Staff determines that landscaping can be accommodated in these locations.

The subject property is a 7.8 acre tract located at the northeast corner of the U.S. Highway 67 and Gus Thomasson Road intersection, City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than

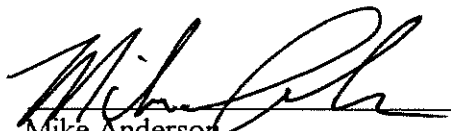
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the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 17th day of May, 1999.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

Being a portion of the THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, City of Mesquite, Dallas County, Texas, being a portion of that certain 94.05 acre tract conveyed to Joe A. Worsham, by deed recorded in Volume 3412, Page 207, Deed Records, Dallas County, Texas described as follows:

Commencing at a wood monument found for corner at the intersection of the southeasterly corner of the tract of land conveyed to the State of Texas, and described as Tract No. 1, in the deed recorded in Volume 4687, Page 69 Deed Records, Dallas County, Texas, and the Northeast line of Gus Thomasson Road; and the Northerly line of Interstate Highway No. 30, also known as Highway No. 67;

THENCE North 45 degrees 32 minutes 10 seconds West, 87.00 feet, with the said State of Texas tract to a 1/2 iron rod found for the POINT OF BEGINNING;

THENCE North 45 degrees 32 minutes 10 seconds West, continuing along said State of Texas tract, a distance of 148.42 feet to a 1/2 inch iron rod set for corner;

THENCE North 44 degrees 35 minutes 25 seconds East, 662.99 feet, with the southeast line of a tract of land described in deed to Erben Realty, Co., to an iron rod set for in the Southwest line of Casa View Heights No. 20, an addition to the City of Mesquite, according to the map recorded in Volume 42, Page 1, Map Records, Dallas County, Texas;

THENCE South 77 degrees 50 minutes 59 seconds East, 36.93 feet with said southwest line of said addition, to an iron rod set for corner;

THENCE South 69 degrees 38 minutes 59 seconds East, 105.33 feet, with said addition to an iron rod set for corner;

THENCE North 54 degrees 31 minutes 01 seconds East, with said southwest line of said addition, 378.86 feet to an iron rod set for corner;

THENCE South 35 degrees 28 minutes 59 seconds East, 302.63 feet to an iron rod set for corner in the Northwest line of I.H. 30;

THENCE South 56 degrees 21 minutes 57 seconds West, along said Northwest line of I.H. 30, 520.55 feet to an iron rod set for corner;

THENCE South 54 degrees 27 minutes 25 seconds West, 868.70 feet with said Northwest line of I.H. 30 to a 1/2 inch iron rod set for corner;

THENCE North 78 degrees 48 minutes 08 seconds West, 17.27 feet, with said Northwest line of I.H. 30 to an iron rod set for corner;

THENCE North 35 degrees 32 minutes 31 seconds West, a distance of 116.38 feet to an iron rod set for corner;

THENCE North a distance of 40.44 feet to an iron rod set for corner;

THENCE West , a distance of 145.00 feet to an iron rod set for corner;

THENCE South, a distance of 104.00 feet to the POINT OF BEGINNING and containing 7.826 acres of land.